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REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-seventh year

Letter dated 5 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit, enclosed herewith, the positions of the Government of the Federal Republic of Yugoslavia in reply to the letter of 27 May 1992 from the Minister for Foreign Affairs of the Republic of Slovenia addressed to the Secretary-General, issued as a document of the General Assembly and of the Security Council (A/47/234-S/24028) of 28 May 1992.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council and of the General Assembly under agenda item 69 of the preliminary list of the forty-seventh session.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

* A/47/50.

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Annex

Positions of the Government of the Federal Republic of Yugoslavia in reply to the letter dated 27 May 1992 from the Minister for Foreign Affairs of the Republic of Slovenia to the Secretary-General

Regarding the letter addressed by the Foreign Minister of Slovenia, Dimitrij Rupel, to the Secretary-General, the Government of the Federal Republic of Yugoslavia wishes to point out the following.

Although expressing its profound respect for the principles of the United Nations Charter in the conclusion of the letter, Slovenia has by it grossly violated these very principles, including the most fundamental among them; it interfered in the internal affairs of another Member State, with its Constitution, bodies, its name and membership in international organizations. In doing so, Slovenia had no immediate interest, since it is an internationally recognized State and a Member of the United Nations, a fact which is not and has never been disputed by the Federal Republic of Yugoslavia.

It is wholly untrue that Bosnia and Herzegovina and Croatia are under foreign military occupation. The Army of the Federal Republic of Yugoslavia withdrew from Croatia a long time ago or is withdrawing pursuant to the Security Council resolution on the deployment of the United Nations Protection Force in Yugoslavia (UNPROFOR), while the withdrawal of the remaining elements of that Army from Bosnia and Herzegovina is being prevented by the Muslim side in the ongoing civil war. Ample evidence to that effect is contained in the reports of UNPROFOR headquarters and is underlined in the report submitted by the Secretary-General to the Security Council on 30 May 1992 (S/24049).

The FR of Yugoslavia has not been created on the basis of the "right" of Serbia and Montenegro to establish a new State but is that part of the SFR of Yugoslavia which has not separated from it. The fact of secession of the parts of the former SFR of Yugoslavia has been constitutionally and legally operationalized by the adoption of the new Constitution which understandably relates only to that part of the SFR of Yugoslavia which did not seek separation. It is precisely the legal status of the FR of Yugoslavia that is directly concordant with the document entitled "Treaty Provisions for the Convention" (art. 1, para. 1) that is being discussed at the Conference on Yugoslavia under the aegis of the European Community. That document contains an explicit provision that the Republics wishing it may remain (not create) a common State.

The FR of Yugoslavia's continuing membership in international organizations is a fact based on numerous positions in international theory and practice, particularly those of the Sixth (Legal) Committee of the General Assembly of the United Nations, adopted on 6 October 1967, and of the International Monetary Fund and the World Bank.

The FR of Yugoslavia recognizes the need for, and is actively participating in, the activities concerning the division of common property rights and obligations arising from the succession of parts of the former SFR of Yugoslavia based on the principles of justice. However, it wishes to point out that the continuity of the international legal personality of the FR of Yugoslavia is in no way related to that division because Serbia and Montenegro, as members of the FR of Yugoslavia, do not accept the determination in that division of the parts that should belong to them, since they have not walked out of, but remained in, the SFR of Yugoslavia. That fact can in no way harm the material and non-material rights and obligations of Slovenia, Croatia and Bosnia and Herzegovina. For this reason, there is no doubt that the attitude of Slovenia, presented in its letter to the Secretary-General, is an act of political interference in the internal affairs of another State.